

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:18-cr-00004-RLY-MPB
)	
TRAVIS L. ELAM,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On October 1, 2018, the Court held an Initial Hearing on a USPO Petition for a Warrant on Violation of Supervised Release filed on May 14, 2018 and a Supplemental Petition filed on May 18, 2018. Subsequent hearings were held on October 15, 2018 and February 22, 2019, and the Final Hearing on Revocation of Supervised Release was held on April 22, 2019. Defendant Elam appeared in person with counsel Ron Freson. The government appeared by Frank Dahl, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Andrea Hillgoth.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Elam of his rights and provided him with a copy of both petitions. Defendant Elam waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Elam admitted violations 1, 2, 3, 4, and 5, ([Docket No. 9](#) and [Docket No. 12](#)).
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

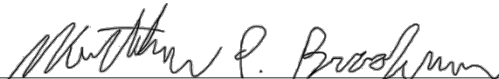
	Violation Number	Nature of Noncompliance
	1	<p>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>On May 1, 2018, Travis Elam tested positive for marijuana. His specimen also tested dilute. As previously reported to the Court, Mr. Elam tested positive for marijuana on March 15, 2018. He admitted to using marijuana on February 20, 2018. He also admitted to using methamphetamine from February 15, until February 20, 2018. His urinalysis from February 22 and 23, 2018, confirmed methamphetamine use. Mr. Elam tested positive for methamphetamine on January 2, 2018, and December 26, 2017. He has also failed to report for urinalysis on January 26, 2018, February 12, 19, 20, and 21, 2018, and March 13, 2018.</p>
	2	<p>"The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer."</p> <p>As previously reported to the Court, on February 19, 2018, Travis Elam failed to report to Safe Haven, a recovery transition housing center, as instructed. On February 21, 2018, Travis Elam failed to report to the probation office for a scheduled meeting.</p>
	3	<p>"The defendant shall participate as directed and approved by the probation officer in treatment for narcotic addiction, drug dependence or alcohol dependence, which includes urinalysis or other drug detection measures and which may require residence and/or participation in a residential treatment facility. Any participation will require complete abstinence from all alcoholic beverages."</p> <p>As previously reported to the Court, Mr. Elam admitted to using alcohol to excess in October 2017.</p>
	4	<p>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>On May 8, 2018, Travis Elam tested positive for marijuana. He also failed to appear for a random urinalysis on May 15, 2018.</p>
	5	<p>"The defendant shall not commit another federal, state, or local crime."</p> <p>On May 16, 2018, Travis Elam was charged with Ct 1-2: Intimidation, Ct 3: Strangulation, and Ct 4: Domestic Battery, in Vanderburgh County, Indiana. A warrant has been issued for his arrest.</p>

4. The parties stipulated that:
- (a) The highest grade of violation is a Grade A violation.
 - (b) Defendant's criminal history category is V.
 - (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 46-57 months' imprisonment.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he be sentenced to custody of the Attorney General or his designee for a period of thirty-six (36) months. Defendant to recommence supervised release upon release from imprisonment for a period of two (2) years.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: April 23, 2019


Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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